

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | |
|----------------------------|---|
| ----- | X |
| CLAUDE REESE, | : |
| | : |
| | : |
| Plaintiff, | : |
| | : |
| - against - | : |
| | : |
| ROBERT WILLIAMSON, et al., | : |
| | : |
| Defendants. | : |
| ----- | X |

22-CV-10494 (PMH)

**JOINT PROPOSED VERDICT
FORM****I. LIABILITY**

1. Has Plaintiff Claude Reese proven by a preponderance of the evidence that any of the following Defendants used excessive force against him on May 1, 2020, in violation of his constitutional rights?

a. Robert Williamson

Yes _____

No _____

b. Steven Drapala

Yes _____

No _____

c. Richard Bodnar

Yes _____

No _____

d. Justin Friedlander

Yes _____

No _____

e. Clifford Donovan

Yes _____

No _____

f. Danny Lawrence

Yes _____

No _____

g. Joseph Burns

Yes _____

No _____

h. Robert Garcia

Yes _____

No _____

i. Michael Padgett

Yes _____

No _____

If you answered “Yes” to any Defendant in Question 1, please proceed to Question 2. Then, answer Question 2 only for any Defendant that you answered “No” to in Question 1. If you answered “No” to all of Question 1, please proceed to Question 3.¹

2. Has Plaintiff Claude Reese proven by a preponderance of the evidence that any of the following Defendants failed to intervene to prevent or stop a use of excessive force against him by another officer on May 1, 2020, in violation of his constitutional rights?

a. Robert Williamson

Yes _____

No _____

b. Steven Drapala

Yes _____

No _____

c. Richard Bodnar

Yes _____

No _____

d. Justin Friedlander

Yes _____

No _____

e. Clifford Donovan

Yes _____

No _____

f. Danny Lawrence

Yes _____

No _____

¹ Plaintiff objects to the instructions on the grounds that, should Plaintiff be able to prove by a preponderance of the evidence that a group of law-enforcement officers present applied excessive force, then, notwithstanding that Plaintiff could fail to identify which particular named Defendant(s) applied the excessive force, the named Defendants may be still held liable for failure to intervene. *See Pereyra v. Eaddy*, No. 13-cv-4760 (PAC) (MHD), 2015 U.S. Dist. LEXIS 85209, at *25-26 (S.D.N.Y. 2015).

Plaintiff instead suggests the following instruction: “Please proceed to Question 2.”

g. Joseph Burns

Yes _____

No _____

h. Robert Garcia

Yes _____

No _____

i. Michael Padgett

Yes _____

No _____

j. Glenroy Riley

Yes _____

No _____

k. Andrew Milyko

Yes _____

No _____

Please proceed to Question 3.

3. Has Plaintiff Claude Reese proven by a preponderance of the evidence that any of the following Defendants filed a false misbehavior report against him in retaliation for his having complained about the conditions of his confinement on May 1, 2020, in violation of his constitutional rights?

a. Robert Williamson

Yes _____

No _____

b. Justin Friedlander

Yes _____

No _____

If you answered “No” to all of the Defendants listed in Question 1 and “No” to All of the Defendants in Question 3, then you have reached a verdict and should proceed to Part III: Foreperson Signature, where the foreperson should sign and date the form and tell the Court Security Officer that the jury has reached a unanimous verdict.

If you answered “Yes” to any of the Defendants listed in Question 1 or “Yes” to any of the Defendants listed in Question 3, please proceed to Part II: Damages.

II. DAMAGES

A. Compensatory Damages

4. State the total amount of compensatory damages, if any, for which Defendants are jointly and severally liable. If you find that Plaintiff is entitled to compensatory damages, indicate the amount of compensatory damages to which he is entitled and proceed to Question 5. If you find that Plaintiff is not entitled to compensatory damages, indicate "None" and continue.

Compensatory Award: \$ _____

If you found that Plaintiff is not entitled to compensatory damages, state the total amount of nominal damages to which Plaintiff is entitled. Please note that your award cannot exceed one dollar. After indicating the amount of nominal damages to which Plaintiff is entitled, proceed to Question 5.

Nominal Award: \$ _____

B. Punitive Damages

5. Please indicate in the space provided whether you find that Plaintiff is entitled to punitive damages from any Defendant. If so, please indicate in the "Amount" space provided below the dollar amount of punitive damages to be awarded against that Defendant. If you do not find Plaintiff is entitled to punitive damages against Defendant, leave the "Amount" space blank.

a. Robert Williamson

Yes _____ No _____ Amount \$ _____

b. Steven Drapala

Yes _____ No _____ Amount \$ _____

c. Richard Bodnar

Yes _____ No _____ Amount \$ _____

d. Justin Friedlander

Yes _____ No _____ Amount \$ _____

e. Clifford Donovan

Yes _____ No _____ Amount \$ _____

f. Danny Lawrence

Yes _____ No _____ Amount \$ _____

g. Joseph Burns

Yes _____ No _____ Amount \$ _____

h. Robert Garcia

Yes _____ No _____ Amount \$ _____

i. Michael Padgett

Yes _____ No _____ Amount \$ _____

j. Glenroy Riley

Yes _____ No _____ Amount \$ _____

k. Andrew Milyko

Yes _____ No _____ Amount \$ _____

III. Foreperson Signature

You have reached a verdict. Your deliberations are complete. The foreperson should sign and date the form below and tell the Court Security Officer that the jury has reached a verdict.

Date

Foreperson